

Law Offices of Ezra Spilke

MEMO ENDORSED

1825 Foster Avenue, Suite 1K
Brooklyn, New York 11230
t: (718) 783-3682
e: ezra@spilkelaw.com
www.spilkelaw.com

September 30, 2020

BY ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Oladukun et al. (Williams)*, No. 20 Cr. 003 (KPF)

Dear Judge Failla:

On behalf of Darrell Williams, I write to respectfully request a sentencing hearing earlier than the current October 28 date. At the change of plea hearing on June 30, 2020, I raised the possibility of this request for the following reasons.

Mr. Williams is serving a New Jersey state sentence and is scheduled to appear before the New Jersey State Parole Board ("SPB") on November 8 or 9. At the change of plea hearing, the government conceded that Mr. Williams may receive a sentence of time served, which, in part, justified holding the change of plea hearing by videoconference. Thus, the parole hearing could indeed be consequential. Because of the delay in transfers from Bureau of Prisons custody to state-prison custody, Mr. Williams is anxious that the current sentencing hearing date will prevent him from being produced to New Jersey authorities in time for his parole hearing. The final PSR was issued on September 21, 2020.

I have communicated with your Honor's deputy who informs me that a remote sentencing by video may be held on October 13 with a backup date of October 20 and that an in-person sentencing may be held on October 21 but that Mr. Williams will be subject to the Metropolitan Detention Center's quarantine protocols upon his return from Court. Quarantine may extend to November 4th, only four or five days before the parole hearing.

Mr. Williams' foremost concern is attending the November 8 or 9 parole hearing in front of the SPB with this case resolved. Accordingly, Mr. Williams respectfully requests an order rescheduling his sentencing hearing to October 13, 2020, to be held by videoconference. I note that, should the Court grant that request, the deadline for Mr. Williams' sentencing submission would have been on September 28. Accordingly, Mr. Williams further requests that, should the Court

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reschedule the sentencing hearing as requested, the deadline for his sentencing submission be set for tomorrow October 1, with the government's submission due on October 8. I have conferred with counsel for the government who advised me that the government has no objection to this application. Mr. Williams and I thank the Court for its kind attention to this matter.

Respectfully submitted,

/s/ Ezra Spilke

Ezra Spilke
1825 Foster Avenue, Suite 1K
Brooklyn, New York 11230
(718) 783-3682
Counsel for Darrell Williams

cc: All counsel of record by ECF

Application GRANTED. The sentencing proceeding for Mr. Williams is hereby rescheduled to **October 13, 2020, at 9:00 a.m.**, with a backup date of October 20, 2020, at 9:00 a.m. or 11:00 a.m. The hearing will proceed by video conference. Instructions will be provided to video participants in advance of the proceeding.

Mr. Williams's sentencing submission is due on or before **October 1, 2020**; the Government's submission is due on or before **October 8, 2020**.

Dated: September 30, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE